



## SAN LUIS OBISPO COUNTY

# DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land – Helping to build great communities

Date: July 15, 2016

To: Planning Commission

From: Cody Scheel /Planning Staff

Subject: A request by Bruce & Linda Grummer for a Minor Use Permit / Coastal Development Permit (DRC2015-00085) to allow an existing single family residence to be used as a residential vacation rental. The proposed project is located at 2765 Crockett Circle, approximately 370 feet southeast of Austin Court, in the community of Los Osos.

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### Discussion

This project was scheduled for the Planning Department Hearing's on May 6, 2016, as a hearing item. Prior to the hearing, staff received multiple hearing request and numerous letters in opposition of the proposed residential vacation rental. Coastal Zone Land Use Ordinance section 23.02.033b allows for a Minor Use Permit application to be referred to the Planning Commission if it may generate substantial public controversy. The Hearing Officer decided to elevate the project to your Commission based upon the received correspondence in opposition of the project. The staff report and supporting documents prepared for the May 6, 2016 hearing are attached.

As described in the attached correspondence, some of the major issues raised include: incompatibility with the neighborhood, overcrowding/number of people, noise, safety, parking, number of vehicles and security. The proposed project is not subject to the Vacation Rental Ordinance (23.08.165), which only applies to projects in Cambria, Cayucos, and Avila Beach. However, the following conditions of approval (which are reflective of the Vacation Rental Ordinance) will ensure that the proposed vacation rental operates in a manner similar to a single family dwelling and consistent with the surrounding residential neighborhood:

### ***Residential Vacation Rental Operational Standards:***

***Local contact person.*** The residential vacation rental shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants.

***Number of occupants allowed.*** The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with

*the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons.*

**On-site parking required.** *All parking associated with the residential vacation rental shall be entirely onsite, in the garage, driveway or otherwise out of the roadway. Tenants of the residential vacation rental shall not use on-street parking at any time.*

**Noise.** *The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall ensure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.*

**Vacation rental tenancy.** *Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.*

**Traffic.** *Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.*

**Appearance, visibility and location.** *The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.*

**Signs.** *Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking. Any and all advertising for this vacation rental shall be consistent with the conditions of approval (see Exhibit B – Conditions of Approval).*

**Transient Occupancy Tax.** *The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.*

Penalties for violation of these standards may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Because these standards set parking requirements, limit the number of occupants and designate a 24-hour property manager contact, potential impacts to surrounding property owners can be avoided. See the attached Planning Department Hearing staff report for an analysis of the proposed project.

**Attachments**

1. Staff Report from the May 6, 2016 Planning Department Hearing
2. Exhibit A – Findings
3. Exhibit B – Conditions
4. Graphics
5. Correspondence received
6. Memorandum to Hearing Officer for the May 6, 2016 Planning Department Hearing